

U.S. DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

TIMOTHY WHITE,

PLAINTIFF,

V.

REGIONAL ADJUSTMENT
BUREAU, INC. D/B/A RAB, INC.

DEFENDANTS.

§
§
§
§
§
§
§
§
§

Case No. 3:11-cv-01817-B

**DEFENDANT REGIONAL ADJUSTMENT BUREAU, INC.'S MOTION FOR
ATTORNEY'S FEES AND COSTS UNDER FRCP 68 and FRCP 54**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Regional Adjustment Bureau, Inc. (hereinafter "RAB"), through counsel of record, and files its Motion for Attorney's Fees and Costs Under FRCP 68 and FRCP 54 and would respectfully show the Court as follows:

1. Defendant RAB made a Rule 68 Offer of Judgment in this case on September 14, 2011 in the amount of \$1,000.00 for damages and attorney's fees to be determined either by agreement or by the Court. This offer was not responded to.
2. On February 28, 2013, a jury awarded Plaintiff \$0.00 in actual and statutory damages under the Fair Debt Collection Practices Act (15 U.S.C. § 1692) and Texas Debt Collection Practices Act (Tex. Fin. Code § 392). Doc. 116.
3. Under this jury verdict, RAB is the prevailing party of the suit. This Court entered its Final Judgment on March 8, 2013 that Plaintiff take nothing and RAB is dismissed at Plaintiff's cost. Doc. 117.
4. RAB now files its Motion for Attorney's Fees and Costs Under FRCP 68 and 54.

5. Pursuant to Local Rule 7.1, the requirements of Local Rule 7.1 are set forth in the accompanying brief.

WHEREFORE, PREMISES CONSIDERED, Defendant Regional Adjustment Bureau, Inc., respectfully requests that this Motion for Summary Judgment be Granted in its entirety and for such other and further relief at law and in equity, to which it may show itself justly entitled.

Respectfully submitted,

ROBBIE MALONE, PLLC

/s/Robbie Malone
ROBBIE MALONE
State Bar No. 12876450
Email: rmalone@rmalonelaw.com
XERXES MARTIN
State Bar No. 24078928
Email: vmartin@rmalonelaw.com
ROBBIE MALONE, P.L.L.C.
Northpark Central, Suite 1850
8750 North Central Expressway
Dallas, Texas 75231
TEL: (214) 346-2630
FAX: (214) 346-2631

COUNSEL FOR DEFENDANT

CERTIFICATE OF CONFERENCE

This is to certify that on March 15, 2013, RAB's counsel conferred via telephone with Plaintiff's counsel regarding this Motion for Attorney's Fees. Plaintiff's counsel is opposed.

/s/Robbie Malone

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been forwarded via electronic filing on this 22nd day of March, 2013 to:

Noah D Radbil

Weisberg & Meyers LLC

9330 LBJ Freeway

Suite 900

Dallas, TX 75243

888/595-9111

866/565-1327 (fax)

noah.radbil@attorneysforconsumers.com

Kirk Matthew Claunch

The Claunch Law Office

2912 W Sixth Street

Fort Worth, TX 76107

817/335-4003

817/335-7112 (fax)

claunchlaw3@earthlink.net

/s/Robbie Malone